

100002487

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26**

VIRGINIA:

BEFORE THE GAS AND OIL BOARD

APPLICANTS:

CNX Gas Company on behalf of Harrison
Wyatt, LLC, Hampton E. Austin and CNX
Gas Company

DOCKET NO.

04-1214-1368-01

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds

Action: Amending Prior Orders Affecting Drilling Unit BF-100, Tracts 1H & 1I
(Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit BF-100 by Tract Sub-accounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on April 20, 2010, at the Russell County Conference Center, Lebanon, Virginia.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; and Sharon M.B. Pigeon, Sr. Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds**

from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1 (a) On December 14, 2004, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on June 22, 2005, in Deed Book 620, Pages 214 to 243 Instrument 050001844. The Supplemental Order was executed and recorded in with the Clerk of the Circuit Court Buchanan County on August 16, 2006, Instrument 060002673.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Harrison Wyatt, LLC and the gas ownerships of CNX Gas Company LLC in tract 1H and Hampton E. Austin in tract 1I, in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding tracts 1H and 1I, a copy of which is attached to and made a part hereof, states under oath that Harrison Wyatt, LLC, CNX Gas Company and Harrison-Wyatt LLC and Hampton E. Austin have entered into an agreement with regard to Tracts 1H and 1I, respectively.
- 4.4 The Unit Operator gave notice to Harrison Wyatt LLC, CNX Gas Company, LLC and Hampton E. Austin that the Board would consider this disbursement authorization at its hearing on April 20, 2010 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to tracts 1H and 1I identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said tracts 1H and 1I relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) **continue** the escrow account under this docket number because there are other parties in other tracts under this order subject to continued payment in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

(1) Harrison Wyatt, LLC is the owner of coal in tracts 1H and 1I, CNX Gas Company, LLC and Hampton E. Austin are owners of gas acreage estate underlying tracts 1H and 1I, respectively, of the Subject Drilling Unit BF-100;

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-04-1214-1368-01
BF-100

| Item No | Tract | Frac Interest | Acreage Interest Disbursed | Split Agreement | Escrowed Acres Total | % of Escrowed Funds |
|---------|-------|---|----------------------------|-----------------|----------------------|---------------------|
| | | | | | 52.4967 | |
| | 1H | Harrison-Wyatt, LLC | 1.850000 | | | |
| 1 | 1H | Harrison-Wyatt, LLC, P. O. Box 11000, Danville, VA 24543 (coal) | 1.8500 | 50.0% | 0.925 | 1.7620% |
| 2 | 1H | CNX Gas Company, 2481 John Nash Blvd., Bluefield, WV 24701(gas) | 1.8500 | 50.0% | 0.925 | 1.7620% |
| | 1I | Harrison-Wyatt, LLC | 13.6900 | | | |
| 1 | 1I | Harrison-Wyatt LLC Coal, P. O. Box 11000, Danville, VA 24543 (coal) | 13.6900 | 50.0% | 6.845 | 13.0389% |
| 2 | 1I | Hampton E. Austin, 2615 Old Grissom Creek Road, Honaker, VA 24260 | 13.6900 | 50.0% | 6.845 | 13.0389% |

6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, **and**, because there are other owners subject to escrow under the Supplemental Order, the Escrow **Agent is directed to continue the Escrow Account** for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. Conclusion:

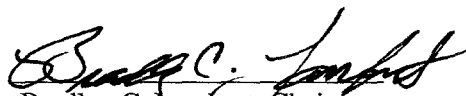
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED**.

8. Appeals:

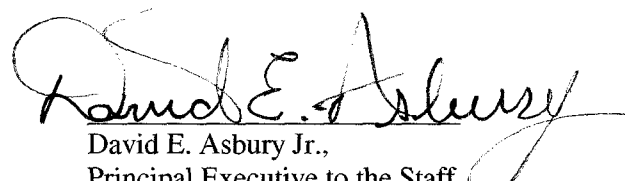
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 23 day of August, 2010, by a majority of the Virginia Gas and Oil Board.


Bradley C. Lambert, Chairman

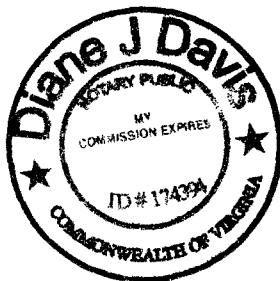
DONE AND PERFORMED this 23 day of August, 2010, by an Order of this Board.

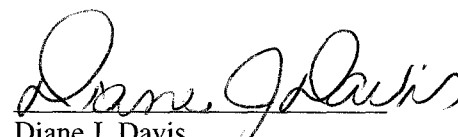

David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

**COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL**

Acknowledged on this 23rd day of August, 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

My commission expires: 09/30/2013




Diane J. Davis
Notary Public #174394

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 04-1214-1368-01

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING OF TRACT(S) 1H & 1I
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: April 20, 2010

DRILLING UNIT: BF-100

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to of Tract(s) 1H & 1I as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty agreement between Harrison-Wyatt, LLC and Hampton E. Austin, et ux; Harrison-Wyatt, LLC and CNX Gas Company LLC
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.
4. **Type of well(s):** Coalbed methane.
5. **Factual basis for relief requested:** Harrison-Wyatt, LLC and Hampton E. Austin, et ux; Harrison-Wyatt, LLC and CNX Gas Company LLC have entered into royalty agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 

Anita D. Duty
Pooling Supervisor
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

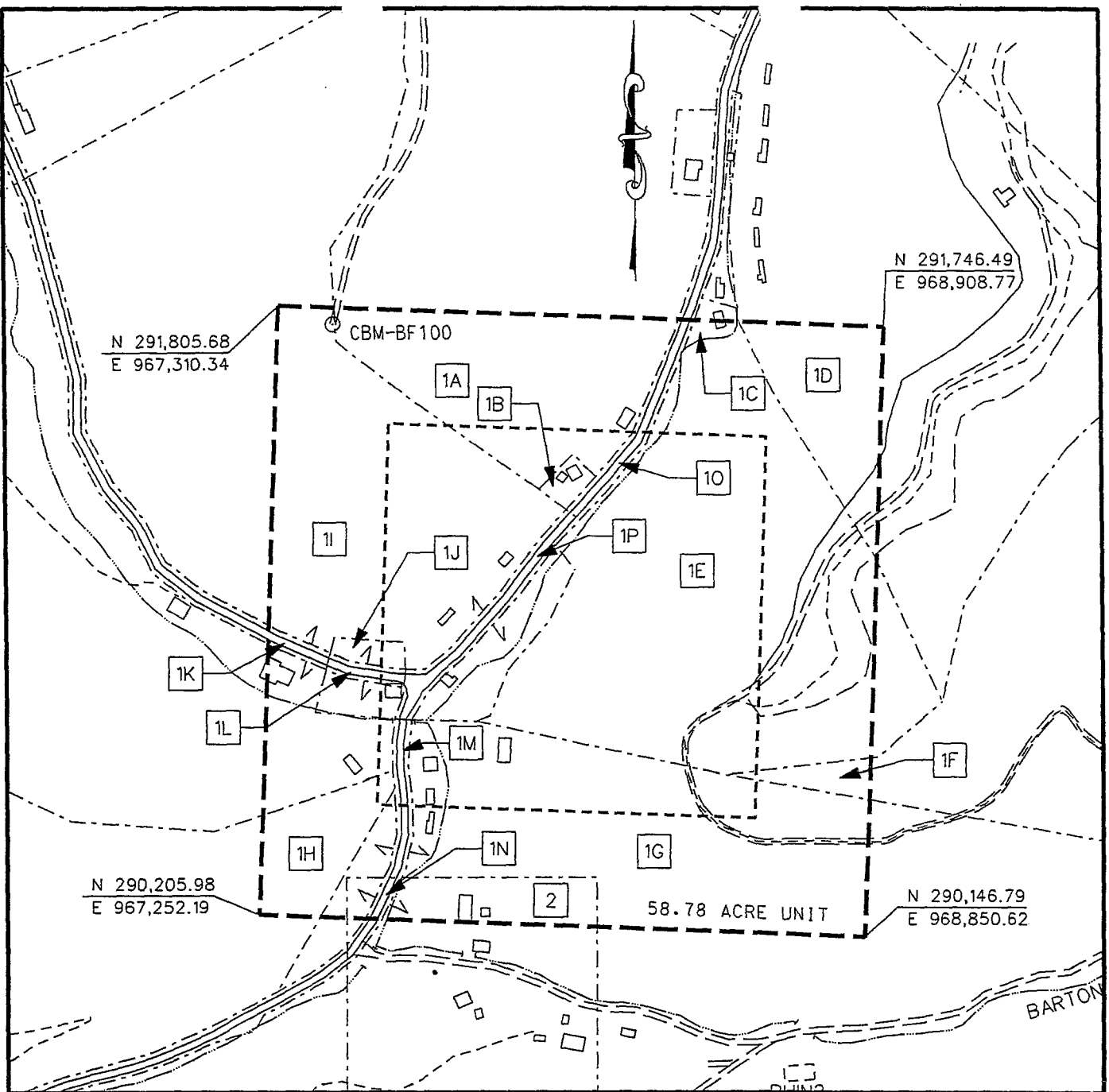


EXHIBIT A
NORA FIELD
UNIT BF-100
FORCE POOLING
VGOB-04-1214-1368

Company CNX Gas Company LLC Well Name and Number UNIT BF100
 Tract No. _____ Elevation _____ Quadrangle Big A Mountain
 County Buchanan District Hurricane Scale: 1" = 400' Date 9/12/04
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Claude D. Vignone
Licensed Professional Engineer or Licensed Land Surveyor

No. 10058
(Attorney's Seal)

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CNX Gas Company LLC

UNIT BF-100

Tract Identifications

(58.78 Acre Unit)

- 1A. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal**
CNX Gas Company LLC – CBM Leased
Emory James – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
6.07 acres 10.3266%
- 1B. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal**
CNX Gas Company LLC – CBM Leased
Stevie Dean Roten, et al – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
0.25 acres 0.4253%
- 1C. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal**
CNX Gas Company LLC – CBM Leased
Arvil Miller, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
0.13 acres 0.2212%
- 1D. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal**
CNX Gas Company LLC - CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
2.82 acres 4.7976%
- 1E. Harrison-Wyatt, LLC. (Big Axe Tr. 11-3) - Coal**
CNX Gas Company LLC - CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
17.20 acres 29.2617%
- 1F. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal**
CNX Gas Company LLC - CBM Leased
Carson D. Austin OR Mary Leftwich Heirs – All Minerals except Coal
Carson D. Austin – Surface
0.47 acres 0.7996%
- 1G. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal**
CNX Gas Company LLC - CBM Leased
Carson D. Austin OR Mary Leftwich Heirs – All Minerals except Coal
Carson D. Austin – Surface
11.59 acres 19.7176%
- 1H. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal**
CNX Gas Company LLC - CBM Leased
Mary Leftwich Heirs, et al – Surface and All Minerals except Coal (37.50%)
CNX Gas Company LLC – Surface and All Minerals except Coal (62.50%)
1.85 acres 3.1473%

CNX Gas Company LLC

UNIT BF-100

Tract Identifications
(58.78 Acre Unit)

- 1I. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal
CNX Gas Company LLC – CBM Leased
Hampton E. Austin, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
13.69 acres 23.2902%
- 1J. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) - Coal
CNX Gas Company LLC - CBM Leased
Buchanan County, Virginia – All Minerals except Coal
Carson D. Austin – Surface
0.73 acres 1.2419%
- 1K. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal
CNX Gas Company LLC – CBM Leased
Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Hampton E. Austin,
et ux)
Commonwealth of Virginia - Surface
0.18 acres 0.3062%
- 1L. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal
CNX Gas Company LLC – CBM Leased
Carson D. Austin OR Commonwealth of Virginia – All Minerals except Coal
Commonwealth of Virginia - Surface
0.22 acres 0.3743%
- 1M. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal
CNX Gas Company LLC – CBM Leased
Carson D. Austin OR Commonwealth of Virginia – All Minerals except Coal
Commonwealth of Virginia - Surface
0.42 acres 0.7145%
- 1N. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal
CNX Gas Company LLC – CBM Leased
Carson D. Austin OR Commonwealth of Virginia – All Minerals except Coal
Commonwealth of Virginia - Surface
0.11 acres 0.1871%

CNX Gas Company LLC

UNIT BF-100

**Tract Identifications
(58.78 Acre Unit)**

- 10. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal
 CNX Gas Company LLC – CBM Leased
 Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Hampton E. Austin,
 et ux)
 Commonwealth of Virginia - Surface
 0.62 acres 1.0548%

- 1P. Harrison-Wyatt, LLC (Big Axe Tr. 11-3) – Coal
 CNX Gas Company LLC – CBM Leased
 Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Hampton E. Austin,
 et ux)
 Commonwealth of Virginia - Surface
 0.76 acres 1.2930%

- 2. Carson Austin OR Mary Leftwich Heirs – All Minerals
 Carson D. Austin – Surface
 1.67 acres 2.8411%

Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

| | Acres in Unit | Percent of Unit |
|--|----------------------------|--------------------|
| <u>Tract #1B - 0.25 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.25 acres | 0.4253% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Stevie Dean Roten, et al. | 0.25 acres | 0.4253% |
| (b) Earlene Roten Yates Rt.2 Box 457 Honaker, VA 24260 | 0.167 2/3 of 0.25 acres | 0.2841% |
| <u>Tract #1D - 2.82 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 2.82 acres | 4.7976% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 2.82 acres | 4.7976% |
| <u>Tract #1E - 17.20 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 17.20 acres | 29.2617% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 17.20 acres | 29.2617% |
| <u>Tract #1F - 0.47 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.47 acres | 0.7996% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 0.47 acres | 0.7996% |
| - OR - | | |
| (1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 (previously Mary Leftwich Heirs) | 0.47 acres | 0.7996% |

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Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

| | Acres in Unit | Percent of Unit |
|--|---------------|--------------------|
| <u>Tract #1G - 11.59 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 11.59 acres | 19.7176% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 11.59 acres | 19.7176% |
| - OR - | | |
| (1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 (previously Mary Leftwich Heirs) | 11.59 acres | 19.7176% |
| <u>Tract #1J - 0.73 acres</u> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.73 acres | 1.2419% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Buchanan County Attn: Mr. William Caudill P.O. Box 950 Grundy, VA 24614 | 0.73 acres | 1.2419% |
| <u>Tract #1K - 0.18 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.18 acres | 0.3062% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260 | 0.18 acres | 0.3062% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.18 acres | 0.3062% |
| <u>Tract #1L - 0.22 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.22 acres | 0.3743% |

Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

| | Acres in Unit | Percent of Unit |
|---|---------------|--------------------|
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 0.22 acres | 0.3743% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.22 acres | 0.3743% |
| <u>Tract #1M - 0.42 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.42 acres | 0.7145% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 0.42 acres | 0.7145% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.42 acres | 0.7145% |
| <u>Tract #1N - 0.11 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.11 acres | 0.1871% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 0.11 acres | 0.1871% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.11 acres | 0.1871% |
| <u>Tract #1O - 0.62 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.62 acres | 1.0548% |

Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

| | Acres in Unit | Percent of Unit |
|---|-----------------------------|--------------------|
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260 | 0.62 acres | 1.0548% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.62 acres | 1.0548% |
| <u>Tract #1P - 0.76 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.76 acres | 1.2930% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Rd. Honaker, VA 24260 | 0.76 acres | 1.2930% |
| - OR - | | |
| (1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201 | 0.76 acres | 1.2930% |
| <u>Tract #2 - 1.67 acres</u> | | |
| <i>Escrow due to title conflict</i> | | |
| <u>COAL OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 1.67 acres | 2.8411% |
| - OR - | | |
| (1) Mary (Minnie) Leftwich Heirs, Devisees, Successors or Assigns, et al. | 1.67 acres | 2.8411% |
| (a) Eula H. Fulcher Heirs, Devisees, Successors or Assigns | | |
| (a.1) Gail Patricia Dunn Address Unknown | 0.084 1/20 of 1.67 acres | 0.14206% |
| (e) Clarence Harris Heirs, Devisees, Successors or Assigns | | |
| (e.1) Don Harris Heirs, Devisees, Successors or Assigns | | |
| (e.1.1) Ricky Harris Address Unknown | 0.042 1/40 of 1.67 acres | 0.07103% |
| (2) William Leftwich, Sr. Heirs, Devisees, Successors or Assigns | | |
| (c) Marie Leftwich Hnarakis Heirs, Devisees, Successors or Assigns | | |

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Exhibit E
Unit BF-100
Docket #VGOB 04-1214-1368
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

| | Acres in Unit | Percent of Unit |
|--|------------------------------|--------------------|
| (c.1) Dennis Hnarakis 13129 Pennerview Lane Fairfax, VA 22033 | 0.104 1/16 of 1.67 acres | 0.17757% |
| (3) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 | 1.440 69/80 of 1.67 acres | 2.45045% |
| <u>OIL & GAS OWNERSHIP</u> | | |
| (1) Carson D. Austin HC4 Box 25 Honaker, VA 24260 | 1.67 acres | 2.8411% |
| - OR - | | |
| (1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 (previously Mary Leftwich Heirs) | 1.67 acres | 2.8411% |

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Exhibit EE
Unit BF-100
Docket #VGOB 04-1214-1368
List of all Conflicting Owners/Claimants with Royalty Split Agreements
(58.78 Acre Unit)

| | Acres in Unit | Percent of Unit | Percent of Escrow |
|--|----------------------------|--------------------|----------------------|
| | | | 52.497000 |
| <u>Tract #1A - 6.07 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 6.07 acres | 10.3266% | n/a |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Emory James 1173 Nance White Branch Rd. Honaker, VA 24260-5137 | 6.07 acres | 10.3266% | n/a |
| <u>Tract #1B - 0.25 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.25 acres | 0.4253% | n/a |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Stevie Dean Roten, et al. | 0.25 acres | 0.4253% | |
| (a) Stevie Dean Roten Rt.2 Box 457 Honaker, VA 24260 | 0.083 1/3 of 0.25 acres | 0.1418% | n/a |
| <u>Tract #1C - 0.13 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 0.13 acres | 0.2212% | n/a |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Arvil Miller, et ux. 1232 Nance White Branch Rd. Honaker, VA 24260-5137 | 0.13 acres | 0.2212% | n/a |
| <u>Tract #1H - 1.85 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 1.85 acres | 3.1473% | 1.7620% |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701 (previously Mary Leftwich Heirs) | 1.85 acres | 3.1473% | 1.7620% |
| <u>Tract #1I - 13.69 acres</u> | | | |
| <u>COAL OWNERSHIP</u> | | | |
| (1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) P.O. Box 11000 Danville, VA 24543 | 13.69 acres | 23.2902% | 13.0388% |
| <u>OIL & GAS OWNERSHIP</u> | | | |
| (1) Hampton E. Austin, et ux. 2815 Old Grissom Creek Rd. Honaker, VA 24260 | 13.69 acres | 23.2902% | 13.0388% |

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Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 2/28/10

Unit BF100
VGOB 04-1214-1368-01
52.497000

| Owners | Tract # | Acres | Total Tract Percent of Escrow | Owners' Percent of Escrow (50%) | Amount Due Owners \$30,936.31 |
|---------------------------------|---------|-------|-------------------------------------|---------------------------------------|-------------------------------------|
| Harrison-Wyatt, L.L.C. - Coal | 1H | 1.85 | 3.5240% | 1.7620% | \$545.10 |
| CNX Gas Company LLC - Oil & Gas | | | | 1.7620% | \$545.10 |
| Harrison-Wyatt, L.L.C. - Coal | 1I | 13.69 | 26.0777% | 13.0388% | \$4,033.74 |
| Hampton E. Austin - Oil & Gas | | | | 13.0388% | \$4,033.74 |

Wells contributing to the escrow account:

BF100

INSTRUMENT #100002487
RECORDED IN THE CLERK'S OFFICE OF
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SEPTEMBER 6, 2010 AT 04:16PM
BEVERLY S. TILLER, CLERK
RECORDED BY: GGB

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